

Chapter 25

OFFENSES AND MISCELLANEOUS PROVISIONS¹

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ARTICLE I. IN GENERAL

Sec. 25-1. Obstruction of streets and street corners.

It shall be unlawful for persons to congregate upon any of the streets or street corners in the city so as to obstruct traffic. The officers of the police department shall disperse all such gatherings on the streets and keep the streets open.
(Code 1986, § 25-1)

Sec. 25-2. Curfew for minors--Established.

(a) It is unlawful for any minor under 16 years of age to loiter, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places, public buildings, place of amusement, eating places, vacant lots or any place unsupervised by an adult having the lawful authority to be at such places, between the hours of 11:00 p.m. on any day and 6:00 a.m. of the following day; provided, however, that on Fridays and Saturdays the effective hours are between 12:00 midnight and 6:00 a.m. of the following day; and provided, that the provisions of this section shall not apply in the following instances:

- (1) When a minor is accompanied by his or her parent, guardian or other adult person having the lawful care and custody of the minor;
- (2) When the minor is upon an emergency errand directed by his or her parent or guardian or other adult person having the lawful care and custody of such minor;

¹ **Cross references**--General penalty for code violations, § 1-8; city court, Ch. 12; police department, § 16-41 et seq.; police to arrest and commit offenders, § 16-45.

² Article II, Beggars Permits, Sections 25-46 through 25-50 were repealed by Ord. No. 11536, 03-23-04).

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- (3) When the minor is returning directly home from a school activity, entertainment, recreational activity or dance;
- (4) When the minor is returning directly home from lawful employment that makes it necessary to be in the above-referenced places during the proscribed period of time;
- (5) When the minor is attending or travelling directly to or from an activity involving the exercise of first amendment rights of free speech, freedom of assembly or free exercise of religion;
- (6) When the minor is in a motor vehicle with parental consent for normal travel, with interstate travel through the City of Chattanooga, excepted in all cases from the curfew.

(b) It shall be unlawful for any person having the legal care and custody of any person under sixteen (16) years of age to allow or permit such minor to be in or upon the public streets or any other place listed in Section 25-2(a) within the time therein prohibited unless except in circumstances set out in sections (1) through (6) of said Section 25-2(a).

(Code 1986, § 25-2; Ord. No. 9587, § 1, 7-30-91)

Sec. 25-3. Same--Arrest of minor for violation.

Any police officer, while on duty, may arrest without warrant any minor willfully violating the provisions of section 25-2 of this chapter and detain him for a reasonable length of time, in which complaint can be made and a warrant issued and served; provided that, no minor so arrested shall be placed in confinement until he has first been taken home to ascertain his parents' or guardians' wishes and the parents or guardians have refused to be held responsible for the observance of section 25-2 of this chapter by such minor.

(Code 1986, § 25-3)

Sec. 25-4. Same--Proceedings pursuant to arrest.

Upon the arrest of any minor where the parents or guardians have refused to become responsible for such minor for violation of the provisions of section 25-2, the city judge shall inquire into the facts of the arrest and the condition and circumstances of such minor, and if it appears that such minor, for want of proper parental care, is growing up in mendicancy or vagrancy, or is incorrigible, he shall cause the proceedings provided by law in such case to be taken.

(Code 1986, § 25-4)

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Sec. 25-5. Same--Violations to be punished in juvenile court.

Any violation of the provisions of section 25-2 by a minor shall be punishable according to law in the juvenile court.

(Code 1986, § 25-5)

State law reference--Juvenile courts, T.C.A., §§ 37-1-101--37-1-506.

Sec. 25-6. Target or practice shooting.

(a) It shall be unlawful to target practice with a firearm without the express written consent of the owner of the property, either public or private, where such target practice occurs. Such written consent shall be on the person of the shooter while shooting. It shall further be unlawful to discharge a firearm on any property, public or private, with or without consent, wherein such discharge endangers adjacent or neighboring property, either public or private, or the owners or tenants thereof. It shall further be unlawful to discharge a firearm on any property, public or private, with or without such written consent, wherein such discharge disturbs nearby residents or businesses.

(b) For the purposes of this section, the term "firearm" shall mean any weapon from which a shot is discharged by force of an explosive or a weapon which acts by force of gunpowder, and shall also include all weapons which expel a projectile by means of the expansion of compressed air and/or carbon dioxide; the term "disturbs" shall mean to create a loud or obnoxious noise; the term "endangers" shall mean to discharge a firearm in a manner that shot or projectiles cross or fall on other properties; and the term "nearby" shall mean any property within six hundred (600) feet of the point of firearm discharge.

(Code 1986, § 25-6)

Sec. 25-7. Disorderly conduct.

A person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof:

- (1) He acts in a violent or tumultuous manner toward another whereby any person is placed in danger of safety of his life, limb or health; or
- (2) He acts in a violent or tumultuous manner toward another whereby the property of any person is placed in danger of being destroyed or damaged; or
- (3) He causes, provokes or engages in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another; or

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- (4) In a public place, he uses fighting words. "Fighting words," for the purposes of this subparagraph (4), are those words which by their very utterance inflict injury or are likely to provoke the average person to commit an immediate, retaliatory breach of the peace; or
 - (5) Without lawful authority, he disturbs any lawful assembly or meeting of persons with intent to disrupt and deprive others of their right to attend or participate; or
 - (6) He obstructs vehicular or pedestrian traffic; or
 - (7) He congregates with another or others in a public place depriving others of the lawful use and refusing to comply with a lawful order of the police to disperse; or
 - (8) By acts of violence interferes with another's pursuit of a lawful occupation or activity.
- (Code 1986, § 25-7)

Sec. 25-8. Disorderly houses--Defined.

A disorderly house is hereby defined to be any house or place in which people abide, or to which they resort, to the disturbance of the neighborhood, or for purposes which are injurious to the public health or safety, or in which illegal practices or violations of law are carried on, or where loud or improper noises are made, or where drunken, noisy persons congregate.

(Code 1986, § 25-8)

Sec. 25-9. Same--Keeping, frequenting.

It shall be unlawful for any person in the city to keep or be in charge of a disorderly house or for any person to visit, occupy or remain in a disorderly house.

(Code 1986, § 25-9)

Sec. 25-10. Same--Liability of owner of premises.

It shall be unlawful for the owner of any property in the city to rent the same for the purpose of maintaining or operating a disorderly house thereon, or knowingly to permit a disorderly house to be maintained or operated thereon. Evidence that a disorderly house is being maintained or operated by the tenant or occupant of any property shall be prima facie evidence that the maintenance and operation of the disorderly house is with the knowledge and permission of the owner of the property.

(Code 1986, § 25-10)

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Sec. 25-11. Same--Abatement as nuisance.

The maintenance and operation of a disorderly house is declared to be a nuisance and subject to be abated as such by appropriate proceedings.

(Code 1986, § 25-11)

State law reference--Disorderly houses declared nuisances; abatement, T.C.A., §§ 39-6-1001, 39-6-1002.

Sec. 25-12. Reserved.

Sec. 25-13. Fortunetelling.

It shall be unlawful for any person to engage in the business of fortunetelling in the city. The word "fortunetelling" as used in this section, shall mean and include the activity of any person who tells fortunes by means of occult or psychic powers, facilities or forces, clairvoyance, psychology, psychometry, spirits, mediumship, seership, prophecy, astrology, palmistry, necromancy, phrenology, talismans, cards, graphology or other craft or mystery, science or character or magic of any kind or character.

(Code 1986, § 25-13)

Sec. 25-14. Interference with use of public places.

No person shall so conduct oneself, individually or in concert with others, in the use of or upon or in any of the following places so as to interfere with the free and uninterrupted use of such places by others lawfully there, or to fail or refuse to leave the premises upon the lawful request of the owner or person in charge of the premises of any of the following places which are privately owned:

- (1) Any street, alley, highway or park within the city.
- (2) Any public building, railroad or bus station, airport, poolroom, bowling alley or theater.
- (3) Any restaurant, cafe, lunchstand, drive-in, tavern, hotel, motel, tourist court or trailer camp or on the premises used in the operation of any such places.

(Code 1986, § 25-14)

State law reference--Loitering, T.C.A. §§ 39-3-1209, 39-3-1210, and 30-6-308.

Sec. 25-15. Cruising in motor vehicles on shopping center parking areas and roadways.

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(a) Owners and operators of shopping centers in the city are hereby authorized to post signs on and about the parking areas and private roadways on their properties giving notice that cruising on the property is prohibited.

(b) The term "cruising," as used in this section, is defined as the continual, repeated and aimless operation of a motor vehicle back and forth, through, around or within the parking areas and private roadways of a shopping center after 9:00 p.m. until the following sunrise other than for the purpose of entering or leaving a parking space where the vehicle has been parked while the driver or passenger(s) is or was visiting the shopping center or business.

(c) It shall be a violation of this section and a trespass for any person to cruise on any shopping center parking area and/or private roadways that have been posted by the owner or operator as authorized in paragraph (a) of this section.
(Code 1986, § 25-15)

Sec. 25-16. Playing games near improved premises.

It shall be unlawful for any person to play baseball or any similar game on property adjacent to or near any improved premises without having obtained the written consent of the persons owning such improved premises.
(Code 1986, § 25-16)

Cross reference--Parks and playgrounds, Ch. 26.

Sec. 25-17. Prowling and peeping.

It shall be unlawful for any person in the city to prowl about the property of others without being able to give a good account of himself, or to prowl or loiter about any dwelling or business house, outhouse or other building for the purpose of spying or peeping therein.
(Code 1986, § 25-17)

Cross reference--Businesses, trades and occupations generally, Ch. 11.

State law reference--Prowling and peeping, T.C.A., § 39-3-1210.

Sec. 25-18. Slugs and fraudulent tokens--Unlawful use.

It shall be unlawful for any person to operate, or cause to be operated or to attempt to operate any automatic vending machine, slot machine, coin box telephone, gas meter or other receptacle designed to receive lawful coin of the United States of America in connection with the sale, use or enjoyment of property or service by means of a slug, or any false, counterfeit,

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mutilated, sweated or foreign coin, or by any means, method, trick or device whatsoever, not lawfully authorized by the owner, lessee or licensee of such machine, coin box telephone, meter or receptacle, or to take, obtain or receive from, or in connection with, any such machine, coin box telephone, meter or other receptacle, any goods, wares, merchandise, gas, electric current, or article of value, or the use or enjoyment of any facilities or service, or other property, without the depositing in and surrendering to such machine, coin box telephone, meter or receptacle, lawful coin of the United States to the amount required therefor by the owner, lessee or licensee thereof. (Code 1986, § 25-18)

State law reference--Similar provisions, T.C.A., § 39-3-937.

Sec. 25-19. Same--Manufacture and disposal.

It shall be unlawful for any person, who, with intent to cheat or defraud the owner, lessee, licensee or any other person entitled to the contents of any automatic vending machine, slot machine, coin box telephone, gas meter or other receptacle, designed to receive lawful coin in connection with the sale, use or enjoyment of property or service, or who, knowing that the same is intended for unlawful use, shall manufacture for sale, or sell or give away, any slug or device whatsoever intended or calculated to be placed or deposited in any such machine, coin box telephone, meter or other receptacle.

(Code 1986, § 25-19)

State law reference--Similar provisions, T.C.A., § 39-3-821.

Sec. 25-20. Smoking on public conveyances.

It shall be unlawful for any person in any bus or other public conveyance to smoke any pipe, cigar or cigarette. The owner or operator of every bus or other public conveyance in the city shall display signs therein stating, in substance, that it is unlawful to smoke in such conveyance. The provisions hereof shall not apply to taxicabs and other vehicles for hire regulated under chapter 35, article II of this Code.

(Code 1986, § 25-20)

Sec. 25-21. Soliciting--In business buildings.

It shall be unlawful for any person knowingly to enter into or remain for the purpose of soliciting anything whatsoever in any privately owned building containing one (1) or more professional or business offices after such person has been previously notified by the owner or other person in charge thereof to keep out of such building.

(Code 1986, § 25-21)

Cross reference--Businesses, trades and occupations generally, Ch. 11.

Sec. 25-22. Same--Employment in connection with tort claims.

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It shall be unlawful for any person to solicit employment for himself or for any other person, either directly or through another person acting on his behalf, to prosecute, collect, settle, compromise or negotiate for the settlement, compromise or collection of any tort claim, on behalf of any tort claimant, in which he himself has no pecuniary interest arising from such tort.
(Code 1986, § 25-22)

Sec. 25-23. Spitting.

It shall be unlawful for any person to spit upon any sidewalk or in any public conveyance or in any school, church or other building where the public assemble in the city.
(Code 1986, § 25-23)

Sec. 25-24. Structures, obstructions on public property.

It shall be unlawful for any person to place or cause to be placed any buildings, erections, depositories or other obstructions with any sort of permanency, for private use, benefit or profit, upon any part or portion of the public grounds or streets of the city.
(Code 1986, § 25-24)

Sec. 25-25. Repealed. (Ord. No. 11548, §1, 05-04-04)

Editor's note--The repealed section dealt with Sunday business.

Sec. 25-26. Throwing missiles at houses or through windows.

It shall be unlawful for any person to throw or fling any stone or other missile against any house or other building in the city, or against or through the window of any building, public or private.
(Code 1986, § 25-26)

Sec. 25-27. Throwing water or other substances from windows.

It shall be unlawful for any person to throw water or other substances from the windows of any building in the city into the streets or public places or upon the premises of others.
(Code 1986, § 25-27)

Sec. 25-28. Trespass on and injuries to property.

It shall be unlawful for any person to trespass on any property, public or private, in the city, by entering the premises without the consent of the owner or custodian thereof when such

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property is not occupied or in use, or to injure or disfigure any public or private building or fixture attached thereto, or to injure any shade tree, shrub or equipment on private premises in the city.

(Code 1986, § 25-28)

State law reference--Trespass, injuries to property generally, T.C.A. §§ 39-3-1306 -- 39-3-1325.

Sec. 25-29. Disturbing or interfering with school activities at or near public facilities; penalty.

It shall be unlawful for any person to come upon the premises of, or in proximity to, the campus or buildings or any public school or any public facility where school functions are taking place, in such a manner as to disturb or interfere with the normal, orderly, peaceful or efficient conduct of the activities of such school or facility. This prohibition shall include, but not be limited to disturbance or interference with activities by the use of symbols, signs, gestures or excessive noise. Upon conviction of a violation of this section, such person shall be fined not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) and the commission of each separate act shall constitute a separate offense.

(Code 1986, § 25-29)

Sec. 25-30. Use of public school property and buildings for private profit.

(a) It shall be unlawful for any person to enter upon any property on which a public school is located or into public school buildings at any time and to use such property or buildings for private profit.

(b) It shall be unlawful for any food vendor to sell or offer for sale any candy, ice cream, fruit or other food on any street right-of-way in the city in a block in which a public school is located, or on any street right-of-way within one thousand (1,000) feet of said school property, during a period starting one (1) hour before school is in session and until one (1) hour after school is out on any school day.

(Code 1986, § 25-30)

Sec. 25-31. False alarms and false reports to police.

It shall be unlawful for any person or persons to:

- (1) Intentionally make, transmit, or give an untrue report or a false alarm of need for police, fire department, or ambulance assistance, or aid or abet in the commission of such act; or

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- (2) Intentionally make or file with the department of fire and police or any officer thereof any false, misleading, or unfounded statement or report concerning the commission or alleged commission of any offense against the ordinances of the city or laws of the state;
- (3) Anyone found guilty of violating this section shall be fined not less than fifty dollars (\$50.00).

(Code 1986, § 25-31)

Sec. 25-32. Prohibition of containers in the Memorial Auditorium and Tivoli Theater.

It shall be unlawful for any person attending an event at either the Memorial Auditorium or Tivoli Theater to bring into or possess within either of these facilities a bottle or can.

(Code 1986, § 25-32)

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Sec. 25-33. Prohibition of skateboards and aggressive skates on downtown streets and sidewalks.

It shall be unlawful for any person or persons to skate on skateboards or aggressive skates on public streets and sidewalks, in the downtown area, which is more particularly described as follows:

LEGAL DESCRIPTION (map attached)³

BEGINNING at a point in the southeast bank of the Tennessee River, said point being the southwest corner of Parcel 4, Group B, Map 145-B, currently owned by ADM Holding, Inc.; **thence** running with the property of ADM Holdings in a southeasterly direction and crossing the Southern Railway right-of-way to a point in the east right-of-way line of Southern Railroad; **thence** running with the north right-of-way line of the Southern Railway and crossing Riverfront Parkway to a point in the east right-of-way line of Riverfront Parkway; **thence** running with the east right-of-way line of Riverfront Parkway in a northeasterly direction to the southeast corner of Main Street; **thence** in a southeasterly direction with the south right-of-way line of Main Street to the southeast corner of Central Avenue; **thence** running in a northeasterly direction to the southeast corner of 11th Street (extended); **thence** northwesterly with the south right-of-way of 11th street to southeast corner of Magnolia Street; **thence** northeasterly with the east right-of-way line of Magnolia Street to a point on the north side of McCallie Avenue; **thence** northwesterly with the north right-of-way of McCallie to southeast corner of Palmetto Street; **thence** with east right-of-way of Palmetto Street in a northeasterly direction to a point on the north right-of-way of 3rd Street; **thence** with the north right-of-way of 3rd Street in a northwesterly direction to the west right-of-way of Southern Railway; **thence** with the northwesterly right-of-way of Southern Railway in a northeasterly direction to the corner of Parcel 1, Group D, Map 136-P; **thence** with the line of said Parcel 1 in a northwesterly direction to the south right-of-way of Riverfront Parkway; **thence** in an easterly direction with the south right-of-way of Riverfront Parkway to the center of Citico Creek; **thence** with Citico Creek in a northwesterly direction to the south bank of the Tennessee River; **thence** running in a westerly direction with the south bank of the Tennessee River to a point at the intersection of east right-of-way of Georgia Avenue at the Veterans Bridge; **thence** with the east right-of-way of Veterans Bridge in a northeasterly direction crossing the Tennessee River to the north

³ Map is attached to Ordinance No. 11028, adopted June 27, 2000, and is filed with the City Council Clerk's Office.

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right-of-way of Frazier Avenue (extended); **thence** with the north right-of-way of Frazier Avenue in a northwesterly direction to the northwest corner of Market Street; **thence** in a southwesterly direction across the Tennessee River to a point in the south bank of the Tennessee River; **thence** in a southwesterly direction along the southeast bank of the Tennessee River to the point of **BEGINNING**.

(Ord. No. 11028, § 1, 6-27-00)

Sec. 25-34. Prohibition of smoking in public buildings.

(a) It shall be unlawful for any person to smoke tobacco or use tobacco or tobacco products in any form in the following public buildings:

- (1) City Hall;
- (2) City Hall Annex;
- (3) Chattanooga Metropolitan Airport Authority Passenger Terminal Facility; and
- (4) Chattanooga-Hamilton County Courts Building.

(b) Every owner or person in charge of a public place where smoking is prohibited shall post one or more signs in the area heretofore described which reads, "Smoking Prohibited by City Ordinance" in letters at least one inch in height. Such signs shall be prominently displayed and located so as to be clearly visible to the public.

(c) The owner or person in charge of any public place where a specific area or areas are designated as areas where smoking is permitted shall post one or more signs which read: "Smoking Permitted In This Area."

(d) Anyone found guilty of violating this Section shall be fined not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00).

(Ord. No. 9656, § 1, 1-6-92; Ord. No. 9695, § 1, 4-14-92; Ord. No. 9723, § 1, 5-19-92)

Sec. 25-35. Dissemination of smoking materials to minors.

(a) *Definitions.*

- (1) "*Disseminate*" means to sell, offer to sell, give or otherwise transfer to a minor.
- (2) "*Minor*" means any unemancipated person under eighteen (18) years of age.

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- (3) *"Purchase"* means to buy, attempt to buy or offer to buy.
- (4) *"Smokeless tobacco product"* means chewing tobacco, snuff, or any other tobacco product, the consumption of which does not require the ignition thereof.
- (5) *"Smoking paraphernalia"* means a cigarette holder, cigarette papers, smoking pipe, water pipe or other item that is designated primarily to hold smoking material while the smoking material is being smoked.

(b) It shall be unlawful for any person to disseminate smoking material, smoking paraphernalia or any smokeless tobacco product to a minor within the city.
(Ord. No. 9903, § 1, 7-13-93)

Sec. 25-36. Evading arrest.

It shall be unlawful for any person in the city to intentionally flee from a person known to be a law enforcement officer and the person knows that the officer is attempting to arrest the person, or has been arrested by a law enforcement officer.
(Ord. No. 9904, § 1, 7-13-93)

Sec. 25-37. Resisting stop, frisk, halt, search.

It shall be unlawful for any person in the city to intentionally prevent or obstruct anyone known to the person to be a law enforcement officer, or anyone acting in the law enforcement officer's presence and at such officer's direction, from effecting a stop, frisk, halt, arrest or search of any person, including the defendant by using force against the law enforcement officer or another.
(Ord. No. 9905, § 1, 7-13-93)

Sec. 25-38. Simple assault.

It shall be unlawful for any person in the city to intentionally or knowingly cause another to reasonably fear imminent bodily injury; or, to intentionally or knowingly cause physical contact with another and a reasonable person would regard the contact as extremely offensive or provocative.
(Ord. No. 9906, § 1, 7-13-93)

Sec. 25-39. Use of false identification.

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It shall be unlawful for any person to exhibit false, fake or forged identification or credentials belonging to another, for the purpose of obtaining any goods or services with a value of less than five hundred dollars (\$500.00) which such person would not otherwise be entitled to receive.

(Ord. No. 9907, § 1, 7-13-93)

Sec. 25-40. Criminal impersonation.

It shall be unlawful for any person, with the intent to injure or defraud another person, to assume a false identity, pretend to be a representative of some person or organization, pretend to be an officer or employee of the government, or pretend to have a handicap or disability.

(Ord. No. 9908, § 1, 7-13-93)

Sec. 25-41. Theft of property.

It shall be unlawful for any person to commit theft of property, for the purposes of this ordinance, if the value of the property is under five hundred and no/100 dollars (\$500.00). A person commits theft of property if, with the intent to deprive the owner of property, the person knowingly obtains or exercises control over the property without the owner's effective consent.

(Ord. No. 9909, § 1, 7-13-93)

Sec. 25-42. Tampering with construction signs and barricades; travel on closed roads.

(a) *Definitions:*

- (1) *"Barricade"* means a barrier for obstructing the passage of motor vehicle traffic.
- (2) *"Detour sign"* means any sign placed across or on a public road of the state, the county or a municipal authority, or by their contractors, indicating that such road is closed or partially closed, which sign also indicates the direction of an alternate route to be followed to give access to certain points.
- (3) *"Fence"* means a barrier to prevent the intrusion of motor vehicle traffic.
- (4) *"Officially closed"* means a highway or road that has been officially closed by a governmental unit, the Department of Transportation, or the city governmental unit, including the county.
- (5) *"Warning sign"* means a sign indicating construction work in the area.

- (b) It shall be unlawful for any person in the city to intentionally:

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- (1) Destroy, knock down, remove, deface or alter any lighting flasher letter or figures on a detour or warning sign set upon a highway or road in the City of Chattanooga.
- (2) Knock down, remove, rearrange, destroy, deface or alter any letter or figures on a barricade or fence erected on any highway or road located in the city.
- (3) Drive around or through any barricade or fence on any officially closed highway or road located in the city.
- (4) To drive around such detour sign or barricade or fence or ignore or disregard a warning sign before such road has been officially opened to public traffic by the Tennessee Department of Transportation or by the county or by a municipal officer of the agency, division, department or officer responsible for constructing or maintaining such roads.

(Ord. No. 9910, § 1, 7-13-93)

Sec. 25-43. Disrupting a meeting or procession.

It shall be unlawful for any person to intentionally prevent or disrupt a lawful meeting, procession, or gathering, if the person substantially obstructs or interferes with the meeting, procession, or gathering by physical action or verbal utterance.

(Ord. No. 9911, § 1, 7-13-93)

Sec. 25-44. Obstructing highways, passageways, sidewalks and other thoroughfares (and places where the public gathers).

(a) It shall be unlawful for any person, without legal authority or privilege, to intentionally, knowingly or recklessly obstruct a highway, street, sidewalk, railway, waterway, elevator, isle or hallway to which the public, or a substantial portion of the public, has access or any other place used for the passage of persons, vehicles or conveyances, whether the obstruction arises from the person's acts alone or from the person's acts and the acts of others.

(b) It shall be unlawful for any person to disobey a reasonable request or order to move issued by a person known to be a law enforcement officer, a fireman, or a person with authority to control the use of premises to prevent obstruction of a highway or passageway, maintain public safety by disbursing those gathered in dangerous proximity to a fire, riot or other hazard.

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(c) "*Obstruction*" means to render passage unreasonably inconvenient, dangerous, and/or potentially injurious to person or property.
(Ord. No. 9912, § 1, 7-13-93)

Sec. 25-45. Panhandling.

(a) Definitions.

(1) "*Panhandling*" means any solicitation made in person requesting an immediate donation of money or other thing of value for oneself or another person or entity. Purchase of an item for an amount far exceeding its value, under circumstances in which a reasonable person would understand that the purchase is, in substance, a donation is a donation for the purpose of this section. Panhandling shall not include the act of passively standing or sitting, performing music, or singing with a sign or other indication that a donation is being sought but without any vocal request other than a response to an inquiry by another person.

(2) "*Prohibited zone*" means any of the following designated areas or rights-of-way (including sidewalks):

- a. The Walnut Street Bridge;
- b. Miller Park;
- c. Miller Plaza;
- d. The block in which the Tennessee Aquarium is located;
- e. The park at Ross's Landing;
- f. The Tennessee Riverpark;
- g. The blocks in which the Creative Discovery Museum and the IMAX Theater are located; and
- h. The block in which the Chattanooga African American Museum is located.

(3) "*Aggressive panhandling*" means:

- a. To approach or speak to a person in such a manner as would cause a reasonable person to believe that the person is being threatened with:
 1. Imminent bodily injury; or
 2. The commission of a criminal act upon the person or another person, or upon property in the person's immediate possession;

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- b. To persist in panhandling after the person solicited has given a negative response;
- c. To block, either individually or as part of a group of persons, the passage of a solicited person;
- d. To touch a solicited person without the person's consent;
- e. To render any service to a motor vehicle, including but not limited to any cleaning, washing, protecting, guarding or repairing of said vehicle or any portion thereof, without the prior consent of the owner, operator or occupant of such vehicle, and thereafter asking, begging or soliciting alms or payment for the performance of such service, regardless of whether such vehicle is stopped, standing or parked on a public street or upon other public or private property; or
- f. To engage in conduct that would reasonably be construed as intended to intimidate, compel or force a solicited person to make a donation.

(b) It shall be unlawful for any person to engage in an act of panhandling when either the panhandler or the person being solicited is located in, on, or at any of the following locations:

- (1) Any right-of-way, sidewalk or other location within the prohibited zone;
- (2) Any bus stop;
- (3) Any sidewalk café;
- (4) Any area within twenty-five (25) feet (in any direction) of an automatic teller machine or entrance to a bank; or
- (5) Any public or private school.

(c) It shall be unlawful to engage in an act of panhandling on any day after sunset or before sunrise.

(d) It shall be unlawful for any person to engage in an act of aggressive panhandling.

(Ord. No. 11352, §1, 11-26-02; Sec. 25-45(e) repealed by Ord. No. 11536, 03-23-04)

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ARTICLE II. RESERVED⁴

Sec. 25-46 - 25-65. Reserved.
(Ord. No. 11536, 03-23-04)

ARTICLE III. NOISES

Sec. 25-66. Generally.

The creation of any unreasonably loud, disturbing or unnecessary noise in the city or noise of such kind, intensity or duration as to be detrimental to the life or health of any individual or disturb the public peace or welfare of the city shall be unlawful.
(Code 1986, § 25-66)

Sec. 25-67. Definitions and noise measurement procedures.

(a) All terms used in this Article shall, for the purpose of this Article, have the meanings hereinafter ascribed to them.

“Ambient Noise” shall mean background noise.

“A’ Weighted Sound Level” shall mean the sound pressure level as measured with the sound level meter using the “A” weighing network. The standard unit notation is dB(A).

“dB(A)” shall mean the composite abbreviation for A-weighted sound level in decibels.

“Decibel” shall mean a logarithmic unit of measure of ten used in measuring magnitudes of sound. The symbol is dB.

“Motorcycle” shall mean any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels, but excluding a tractor.

“Motor Driven Cycle” shall mean every motorcycle and every motor scooter with a motor which does not exceed five brake horsepower, including every bicycle with a motor attached.

⁴ Article II, Beggars Permits, Sections 25-46 through 25-50 were repealed by Ord. No. 11536, 03-23-04).

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“Motor Vehicle” shall mean any self-propelled vehicle.

“Muffler” shall mean an apparatus consisting of a series of chambers or baffle plates designed for the purpose of transmitting gases while reducing sound emanating from such apparatus.

“Noise” shall mean any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

“Public Premise” shall also mean any private property generally available for public use including private streets, drives and parking lots or parking spaces provided for any public use at any individual, commercial, institutional or multi-family residential or other property use where parking spaces are required.

“Residential Property” shall mean any premise where single or multiple dwelling units exist and shall include schools, churches, hospitals, nursing homes and similar institutional facilities.

“Sound Amplification Device” shall mean any radio, tape player, compact disc player, loudspeaker or other electronic device used for the amplification of sound.

“Sound Level” shall mean a measure of the level of a sound with a weighing network in the measurement chain.

“Sound Level Meter” shall mean an apparatus or instrument including a microphone, amplifier, attenuator, output meter and frequency weighing networks for the measurement of sound levels.

“Vehicle” shall mean any device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

(b) For the purpose of determining db(A)’s as referred to in this article, the noise shall be measured on the A-weighting scale on a sound level meter of standard design and quality having characteristics established by the American National Standards Institute.

(c) Measurement procedure. The sound level meter shall be operated in accordance with the instrument manufacturer’s instructions as follows:

- (1) Microphone Orientation. The microphone shall be pointed towards the allegedly offensive noise source, unless the instrument manufacturer’s

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instructions specifically indicate otherwise.

- (2) **Calibration.** The meter shall be calibrated in accordance with manufacturer's instructions.
- (3) **Meter Readings.** The recorded reading shall be the highest sound level obtained with the allegedly offensive noise source in operation, disregarding unrelated peaks due to extraneous ambient noises.
- (4) **Ambient Conditions.** Measurements shall be made only when the A-weighted ambient sound level, including wind effects and all sources other than the noise source being measured, is at least 10 dB(A) lower than the sound level of the of the noise source being measured, provided however that no source shall emit noise in excess of the applicable maximum dB(A) levels when measured twenty-five (25) feet or more from the source.

(Ord. No. 11273, 05-07-02)

Sec. 25-68. Enumeration of prohibited acts.

(a) The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this article, but this enumeration shall not be deemed to be exclusive:

- (1) *Horns or other signal devices on vehicles.* The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle, while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or while in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of such signal device of any unreasonably loud or harsh sound, and the sounding of such device for any unnecessary and unreasonable period of time.
- (2) *Musical instruments.* The playing of any radio, phonograph or any musical instrument in such a manner or with such volume, particularly during the hours between 11:00 p.m. and 7:00 a.m., so as to annoy or disturb the quiet, comfort or repose of persons in any hospital or in any dwelling, hotel or other type of residence or of any persons in the vicinity.
- (3) *Yelling, hawking, etc., in streets.* Yelling, hawking, shouting, hooting, whistling or singing on the streets or sidewalks or in public places, particularly between the hours of 11:00 p.m. and 7:00 a.m., in a manner which disturbs the quiet, comfort

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or repose of persons in any hospital, dwelling, hotel or other type of residence. (Ord. No. 11273, 05-07-02)

- (4) *Dogs.* The keeping of any dog(s) which, by causing frequent or long, continued noise, disturbs the comfort or repose of any person in a residence, hotel, motel or hospital. For the purposes of this subsection, "frequent or long, continued noise" shall include, but shall not be limited to, barking at an average rate of ten (10) or more barks per minute over a period of five (5) minutes which can be heard from a distance of one hundred (100) feet or more, but shall not include the barking of any dog(s) responding to an emergency or to a trespasser on the property of the owner of such dog(s). (Ord. No. 11273, 05-07-02)
- (5) *Operation of vehicles.* The use of any automobile, motorcycle or other vehicle so out of repair or loaded in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
- (6) *Steam whistles.* The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger. (Ord. No. 11273, 05-07-02)
- (7) *Exhausts without mufflers.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or boat engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (8) *Construction work.* The erection (including excavation), demolition, alteration or repair of any building in any residential district or section, and the excavation of streets in any residential district or section, other than between the hours of 7:00 a.m. and 8:00 p.m. on weekdays, except in cases of urgent necessity in the interest of the public health and safety, and then only with a permit from the building inspector, which may be granted for a period not to exceed thirty (30) days while such emergency continues. If the building inspector determines that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of a street within the hours of 8:00 p.m. and 7:00 a.m., and further determines that loss or inconvenience would result to any party in interest through delay, he may grant permission for such work to be done within the hours of 8:00 p.m. and 7:00 a.m. on weekdays upon application made at the time the permit for such work is awarded or during the progress of the work. (Ord. No. 11273, 05-07-02)

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- (9) *Noise near schools, courts, churches or hospitals.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court, while the same is in session, or adjacent to any hospital, which unreasonably interferes with the working or sessions thereof.
- (10) *Loading and unloading; opening bales, etc.* The creation of loud and excessive noise in connection with the loading or unloading of any vehicle or the opening bales, boxes, crates and containers.
- (11) *Refuse collection.* Operate a mechanical loader for refuse collection between the hours of 9:00 p.m. and 7:00 a.m. within or adjacent to any residential zone. (Ord. No. 11273, 05-07-02)
- (12) *Lawnmowers, leaf blowers, weed-eaters, chain saws, etc.* Operate lawn mowers, leaf blowers, weed-eaters, chain saws or other domestic tools out-of-doors between the hours of 9:00 p.m. and 7:00 a.m. (Ord. No. 11273, 05-07-02)
- (13) *Fireworks.* It shall be unlawful to set off fireworks after the hour of 11:30 p.m., except on New Year's Eve when the hours prohibited shall be 12:30 a.m. until 800 a.m. (Ordinance No. 11163, §1, 07-31-01; Ord. No. 11273, 05-07-02)

(b) The provisions of this section shall not apply to any vehicle of the city or other governmental entity while engaged upon necessary public business, to excavations or repairs of bridges or streets by or on behalf of the city during the night hours, where the public welfare and convenience renders it necessary to perform the work at night.

(Code 1986, § 25-67; Ord. No. 10157, §§ 1-2, 1-10-95; Ord. No. 10273, § 1, 8-8-95; Ord. No. 11273, 05-07-02)

Cross references--Amusements, Ch. 6; animals and fowl, Ch. 7; building regulations, Ch. 10; businesses, trades and occupations, Ch. 11; motor vehicles and traffic, Ch. 24.

Sec. 25-69. Loudspeakers, amplifiers and sound-amplifying devices.

- (a) It shall be unlawful to:
 - (1) Operate or allow the operation of any sound amplification equipment so as to create sounds registering fifty-five (55) db(A) between 9:00 a.m. and 9:00 p.m. or fifty (50) db(A) between 9:00 p.m. and 9:00 a.m., as measured anywhere within the boundary line of the nearest residentially occupied property, hospital, school in session or nursing home, except in accordance with a permit obtained from the chief building official.

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- (2) As to multifamily structures including apartments, condominiums or other residential arrangements where boundary lines can not readily be determined, it shall be unlawful to operate or allow the operation of any sound amplification equipment so as to create sounds registering fifty-five (55) db(A) between 9:00 a.m. and 9:00 p.m. or fifty (50) db(A) between 9:00 p.m. and 9:00 a.m., as measured from any point within the interior of another residential unit in the same complex or within the boundary line of the nearest residentially occupied property, except in accordance with a permit obtained from the chief building official.
 - (3) As to places of public entertainment having a capacity of one thousand (1,000) or more persons, operate or allow the operation of any sound amplification equipment so as to create sounds registering more than sixty-five (65) db(A) between 9:00 a.m. and 9:00 p.m., or fifty (50) db(A) between 9:00 p.m. and 9:00 a.m., as measured anywhere within the boundary line of the nearest residentially occupied property, except in accordance with a permit obtained from the chief building official.
 - (4) Operate or allow the operation of any sound amplification equipment for advertising purposes or otherwise to attract customers so as to cast sounds which are unreasonably loud and disturbing or which register more than sixty (60) db(A) at or on the boundary of the nearest public right-of-way or park.
 - (5) Operate or allow the operation for personal use of any sound amplification equipment on the public right-of-way, including streets or sidewalks, or in the public parks so as to produce sounds registering more than sixty (60) db(A) fifty (50) feet or more from any electromechanical speaker between the hours of 9:00 a.m. and 9:00 p.m., or fifty (50) db(A) fifty (50) feet or more from any electromechanical speaker between the hours of 9:00 p.m. and 9:00 a.m.
- (b) No person operating or occupying a motor vehicle on any street, highway, alley, parking lot or driveway, either public or private property, shall operate or permit the operation of any sound amplification system, including, but not limited to, any radio, tape player, compact disc player, loud speaker, or any other electrical device used for the amplification of sound from within the motor vehicle so that the sound is plainly audible at a distance of fifty (50) or more feet from the vehicle or, in the case of a motor vehicle on private property, beyond the property line. For the purpose of this section, "plainly audible" means any sound which clearly can be heard, by unimpaired auditory senses based on a direct line of sight of fifty (50) or more feet, however, words or phrases need not be discernible and such sound shall include bass reverberation.

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(c) This section shall not be applicable to emergency or public safety vehicles, vehicles owned and operated by a municipal or county government or any utility company, for sound emitted unavoidably during a job-related operation, or any motor vehicle used in an authorized public activity for which a permit has been granted by the appropriate agency of a municipal or county government.

(Ord. No. 10157, § 3, 1-10-95; Ord. No. 11273, 05-07-02; Ord. No. 11613, 09-07-04)

Sec. 25-70 Warnings prior to citation.

(a) If conduct that would otherwise violate this article consists of speech or other communication, of gathering with others to hear or observe such speech or communication, or of gathering with others to picket or otherwise express in a nonviolent manner a position on social, economic, political or religious questions, the person must be ordered to move, disperse or otherwise remedy the violation prior to his or her citation or arrest.

(b) The order required by section may be given by a peace officer, a person with authority to control the use of the premises, or any person directly affected by the violation.

(c) It is a defense to an offense under the article that:

- (1) in circumstances in which this section requires an order, no order was given;
- (2) an order, if given, was manifestly unreasonable in scope;
- (3) an order, if given, was promptly obeyed;
- (4) the device was operated within an enclosed motor vehicle and was not audible outside the vehicle in which it was operated;
- (5) the device is one required by any law, ordinance or regulation of the state, federal or municipal government and operated in accordance with applicable law; or
- (6) the device is operated as a part of any parade or other activity for which a permit (other than a business permit) has been obtained from any governmental entity.

(Ord. No. 10157, § 3, 1-10-95; Ord. No. 11273, 05-07-02)

Sec. 25-71. Permits for additional amplification.

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(a) *Application.* The application for a permit for additional amplification under section 25-69 shall be submitted to the chief building official at least fifteen (15) working days in advance of the planned use except in case of emergency. The application shall designate an individual person or persons who shall be in control of the sound amplification equipment and assure that its use complies with the terms of the permit.

(b) *Notice of tentative approval.* Upon tentative approval, the applicant for a permit shall be responsible for mailing or otherwise delivering to the occupants of each property within a one thousand foot (1,000') radius of the facility for which the permit has been granted, as shown on the tax maps of the county, a notice stating the date and hours of the event. The notice shall be delivered at least seventy-two (72) hours in advance of the event. The permit shall not be actually granted and issued until the applicant submits an affidavit to the chief building official that such notices have been actually mailed or otherwise delivered.

(c) *Number of hours.* No permits shall be issued which shall have the effect of allowing more than twenty (20) hours of excess amplification per year at any place of public entertainment having a capacity of one thousand (1,000) or more persons or ten (10) hours of excess amplification at any other location. Permits shall be tentatively approved and subsequently granted by the chief building official in the order of receipt unless permits for twenty (20) or more hours have previously been issued for the same or other locations within a one thousand foot (1,000') radius of the facility in the same calendar year, in which event the applicant shall elect whether to limit his request so as to keep the year's accumulated hours of excess amplification in that location below twenty (20) hours or select another location.

(d) *Not permitted in residentially occupied boundaries.* In no event shall a permit be granted which allows the creation of sounds registering more than seventy (70) db(A) anywhere within the boundary line of the nearest residentially occupied property.

(e) *Denial; exceptional permit.* If an applicant has been denied a permit under this section and believes the denial is illegal by virtue of applicable state or federal law, he shall promptly submit a copy of the denied permit application together with a short statement of the reasons he believes he is entitled to a permit to the mayor. The mayor shall have the discretion to grant an exceptional permit waiving locational, time and/or db(A) requirements, upon his determination that the applicant has made a substantial showing of legal entitlement. Any such exceptional permit shall be promptly reported to city council.

(Ord. 11273, 05-07-02)

Sec. 25-72. Motor vehicles.

Sound Levels by Vehicle Type. No person shall operate a motor vehicle upon any public

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premise, or be permitted to operate a motor vehicle upon any public premise at any time or under any conditions of roadway grade, load, acceleration or deceleration in such a manner as to generate a sound level in excess of the following limit for the category of motor vehicle and applicable speed under measurement procedures established herein.

Speed Limit Zone 35 mph or Less:

- | | | |
|-----|--|----------|
| (a) | Motorcycles and motor driven cycles: | 82 dB(A) |
| (b) | Vehicles with gross weight over 10,000 lbs. or over: | 86 dB(A) |
| (c) | Vehicles with gross weight under 10,000 lbs.: | 80 dB(A) |

Speed Limit Zone Over 35 mph:

- | | | |
|-----|--|----------|
| (a) | Motorcycles and motor driven cycles: | 86 dB(A) |
| (b) | Vehicles with gross weight over 10,000 lbs. or over: | 90 dB(A) |
| (c) | Vehicles with gross weight under 10,000 lbs.: | 84 dB(A) |

Standing Motor Vehicles. No person shall operate or permit the operation of any motor vehicle with a gross weight rating (GVWR) in excess of (10,000) pounds, or any auxiliary equipment attached to such a vehicle, for a period longer than 10 minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion, within 150 feet (46 meters) of a residential area, between the hours of 10:00 p.m. and 7:00 a.m. the following day.

(Ord. No. 11273, 05-07-02)

Sec. 25-73. Enforcement and penalties.

Where there is a violation of any provision of this article, the city court, in its discretion, may take one (1) or more of the following actions.

- (1) A citation fine of fifty dollars (\$50.00) for each violation.
- (2) A civil penalty not to exceed five hundred dollars (\$500.00) for each violation of this article may be adjudged to recover administrative expenses incurred in enforcing this article. A detailed and individualized statement of administration costs incurred by the city shall be submitted to the court for consideration if a civil penalty is sought.
- (3) A conditional civil penalty not to exceed five hundred dollars (\$500.00) for each separate violation of this article may be assessed by the city judge in the event of an intentional violation of this article conditioned upon the violator purging himself or herself of the civil penalty by not committing another violation of this article for one (1) year following imposition of the conditional civil penalty.

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Provided that no combination of fines and civil penalties may exceed five hundred dollars (\$500.00) for each violation
(Ord. 11273, 05-07-02)

Secs. 25-70 -- 25-80. Reserved.⁵
(Ord. 11273, 05-07-02)

ARTICLE IV. OFFENSES AGAINST MORALS⁶

DIVISION 1. GENERALLY

Sec. 25-81. Reserved.

Sec. 25-82. Gambling--Confiscation, destruction of devices.

(a) It shall be unlawful for any person to play at any game of hazard or address for money or other valuable thing, or make any bet or wager for money or other valuable things (or to risk anything of value for a profit in return, is to any degree contingent on chance) where such person risks or stands to gain money or property of less than five hundred dollars (\$500.00) in value.

(b) It shall be unlawful for any person to own, possess or distribute any gambling device. It shall be unlawful for any person to promote gambling or derive any pecuniary benefits other than personal winnings from gambling where the sum or value is less than five hundred dollars (\$500.00).

(c) Police officers shall seize all slot machines, tip boards, punchboards, high score boards, tables, paraphernalia and all other devices used for gambling or gaming, and the chief of police shall confiscate and destroy such devices as directed by any court of competent

⁵ **Editor's Note:** Sections formerly reserved as Sec. 25-72 -- 25-80 were repealed by implementation of Ordinance No. 11273, adopted 05-07-02 and Secs. 25-74 -- 25-80 are reserved.

⁶ **Cross references--**Alcoholic beverage offenses involving minors, loitering and gambling, § 5-48; immoral acts prohibited at alcoholic beverage premises, § 5-54; immoral acts prohibited at bottle clubs, § 5-167; gambling prohibited on playing of billiards or pool, § 6-48; cruelty to animals, § 7-81 et seq.

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jurisdiction.

(Code 1986, § 25-82; Ord. No. 9913, § 1, 7-13-93)

Sec. 25-83. Same--Possession of federal wagering stamps.

The possession of a federal wagering stamp by any person within the city shall be prima facie evidence that such person is engaged in gambling or wagering in violation of this Code and other ordinances of the city and the laws of the state prohibiting gambling or wagering.

(Code 1986, § 25-83)

Annotation--this is a reasonable regulation to effect city prohibitions against gambling; it is reasonable to infer that a person going to the trouble and expense of obtaining a stamp is gambling or operating a gambling establishment, **Dietch v. City of Chattanooga, 195 Tenn. 245, 258 S.W. 2d 777.**

Sec. 25-84. Indecent exposure.

It shall be unlawful for any person in the city in a public place to engage in the willful and intentional exposure of such person's genitals or buttocks to one (1) or more other persons where the exposing person may reasonably expect his conduct to be viewed by another for the purpose of sexual arousal, gratification or offending the viewing person.

(Code 1986, § 25-84)

State law reference--Similar provisions, T.C.A., § 39-2-614(a).

Sec. 25-85. Lewd and indecent conduct.

(a) *Definitions.* As used in this section, the following terms shall have the meanings indicated:

Public place shall include: streets, sidewalks or highways; transportation facilities; schools; places of amusement; parks, playgrounds; restaurants; nightclubs; cocktail lounges; burlesque houses; bars; cabarets; taverns; taprooms; private fraternal, social, golf or country clubs; or any place that allows the consumption of intoxicating beverages on the premises.

Wholly or substantially exposed to public view, as it pertains to breasts, shall mean the showing of the female breast, in a public place, with less than a fully opaque covering of any portion of the breast below the top of the nipple.

(b) *Prohibited acts.* It shall be unlawful for any person to perform in a public place, or for any person who owns or operates premises constituting a public place to knowingly permit or allow to be performed therein, any of the following acts or conduct:

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- (1) The performance of acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;
- (2) The actual or simulated touching, caressing or fondling of the breasts, buttocks, anus or genitals in public; or
- (3) The actual or simulated public displaying of the pubic hair, anus, vulva or genitals;
- (4) The appearance by any female in a public place so costumed or dressed that one or both breasts are wholly or substantially exposed to public view, or any owner or operator of premises constituting a public place knowingly permitting or allowing any such person to appear on the premises owned or operated by him.

(c) *Penalty.* Any person violating any of the provisions of this section, upon conviction by the court, may be imprisoned for not more than thirty (30) days, and shall be fined not less than twenty-five dollars (\$25.00), nor more than fifty dollars (\$50.00) for each violation. (Code 1986, § 25-85)

Cross reference--Definitions and rules of construction generally, § 1-2.

Sec. 25-86. Unlawful sale or storage of alcoholic beverages.

(a) It shall be unlawful for any person to sell wine, beer, ale or any other alcoholic beverage or mixed drink containing alcohol in any establishment unless the establishment is operating in compliance with all laws governing the sale of alcoholic beverages in such establishments.

(b) It shall be unlawful for any person in the city to possess or transport, with the intent to re-distribute or re-sell any alcoholic or intoxicating liquor which does not have a proper State of Tennessee revenue stamp affixed thereto.

(c) It shall be unlawful for any person in the city, unless authorized by law to do so, to have or keep in stock, in any warehouse or place of business or other place, any alcoholic or intoxicating liquors, including wine, ale or beer, intended for present or future sale of the beverage, either wholesale or retail, and whether intended to be sold for delivery at the place of sale or to be shipped or otherwise transported for delivery at another place.
(Ord. No. 9914, § 1, 7-13-93)

Secs. 25-87 -- 25-95. Reserved.

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DIVISION 2. PROSTITUTION AND RELATED OFFENSES⁷

Sec. 25-96. Definitions.

As used in this division, the following words and terms shall have the following meanings:

Assignment shall be construed to include the making of any appointment or engagement for prostitution or for the purpose of fellatio or cunnilingus, or any act in furtherance of such appointment or engagement.

Patronizing shall be construed to include the solicitation or hiring of another person with the intent that the other person engage in prostitution, entering or remaining in a house of prostitution for the purpose of engaging in sexual activity.

Promoting prostitution shall be construed to include:

- (1) owning, controlling, managing, supervising or in anyway keeping, alone or in association with others, a business for the purpose of engaging in prostitution, or a house of prostitution;
- (2) encouraging, inducing, or otherwise purposely causing another to become a prostitute;
- (3) soliciting a person to patronize a prostitute;
- (4) procuring a prostitute for a patron; and/or
- (5) paying, receiving, or agreeing to receive any benefit for engaging in any of the activities defined as the unlawful act of promoting prostitution.

Prostitution shall be construed to include the giving or receiving of the body for sexual intercourse for hire (or for licentious sexual intercourse without hire).
(Code 1986, § 25-96; Ord. No. 9915, § 1, 7-13-93)

Cross reference--Definitions and rules of construction generally, § 1-2.

⁷ **Cross references**--Using hotel for purposes of prostitution prohibited, § 11-195; massage technicians and parlors, § 11-306 et seq.

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Sec. 25-97. Prohibited acts.

No person in the city shall:

- (1) Engage in prostitution.
- (2) Aid or abet prostitution.
- (3) Procure or solicit for purposes of prostitution.
- (4) Keep or set up a house of ill fame, brothel or bawdy house.
- (5) Receive any person for purposes of assignation or prostitution into any vehicle, conveyance, place, structure or building.
- (6) Permit any person to remain for the purpose of assignation or prostitution in any vehicle, conveyance, place, structure or building.
- (7) Lease or rent, or contract to lease or rent, any vehicle, conveyance, place, structure or building or part thereof, knowing or with good reason to know that it is intended to be used for any of the purposes herein prohibited.
- (8) Attempt to do any of the acts prohibited by this section.

(Code 1986, § 25-97)

State law reference--Prostitution, T.C.A., §§ 39-2-631 -- 39-2-641.